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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,040	09/16/2005	Philipp Huemer	14219-083US1 P2002,0763 U	2757
26161	7590	04/21/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			PATEL, DHARTI HARIDAS	
			ART UNIT	PAPER NUMBER
			2836	
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,040

Applicant(s)

HUEMER ET AL.

Examiner

Dharti H. Patel

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/16/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Protective Device for Surge Protection of Equipment in Communications Systems.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuki et al., Patent No. 6,188,307. Katsuki teaches an overcurrent-protection thermistor apparatus for protecting communications equipment. With respect to claim 1, the assembly [Col. 1, lines 9-13, Fig. 1, 1] comprising a first electrical component [Fig. 1, 5] having a first electrical property; a second electrical component [Fig. 1, 6] having a second electrical property, the first electrical and the second electrical property being substantially identical; a housing [Fig. 1, 1] that holds the first electrical component and the second electrical component [Fig. 1, 5, 6]; first terminals [Fig. 1, 10a, 12a] on the housing

that contact the first electrical component [Fig. 1, 5]; and second terminals [Fig. 1, 11a, 13a] on the housing [Fig. 1, 1] that contact the second electrical component [Fig. 1, 6] as disclosed in Fig. 1, Col. 3, lines 65-67, Col. 4, lines 1-2.

With respect to claim 2, Katsuki teaches that the first electrical component [Fig. 1, 5] and the second electrical component [Fig. 1, 6] comprise thermistors [Col. 3, lines 65-67, Abstract, lines 3-4], and the first electrical property and the second electrical property comprise a first resistance and a second resistance, respectively, at a predefined temperature [Col. 6, lines 32-35].

With respect to claim 3, Katsuki teaches that predefined temperature is 25 degrees Celsius [Col. 6, lines 32-35].

With respect to claim 4, Katsuki teaches that the first resistance and the second resistance deviate by no more than 1 ohm [Abstract, lines 6-8, Col. 1, lines 22-24].

With respect to claim 9, Katsuki teaches that the housing comprises a partition [Fig. 5, 21c] made of electrically insulating material, the partition being between the first and second electrical components [Fig. 5, 25, 26], the partition acting as flashover protection between the first and second electrical components [Col. 5, lines 39-41, Fig. 1, 15, Col. 4, line 2, Col. 4, lines 21-24].

With respect to claim 10, Katsuki teaches that the housing [Fig. 1, 1] comprises plural sides, at least one side of the housing being closed [Fig. 1, 1, Fig. 5, 21].

With respect to claim 11, Katsuki teaches that the housing comprises a material that is substantially inflammable [Col. 4, lines 3-7, the definition of thermoplastic resin is the material that offers high resistance to heat].

With respect to claim 12, Katsuki teaches that the first and second terminals [Fig. 1, 10a, 12a, 11a, 13a] are configured for surface mounting of the assembly [Fig. 1, 1] as disclosed in Fig. 1.

3. Claims 13, 15, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al., Patent No. 5,867,083. Takeuchi teaches a protective device for surge current protection of associated equipment in communications systems. With respect to claim 13, circuitry [Fig. 8] comprising a first data transmission line [Fig. 8, A LINE]; a second transmission line [Fig. 8, B LINE]; a data terminal connected to the first and second data transmission lines [Col. 1, lines 28-32]; and an assembly [Fig. 8, made up of two thermistors 45a and 45b] that connects a printed circuit board [Col. 2, lines 21-23 shows that the thermistors are mounted on a PCB] to the first and second data transmission lines [Fig. 8, A and B lines], the assembly comprising a first electrical component [Fig. 8, 45a] having a first electrical property; and a second electrical component [Fig. 8, 45b] having a second property, the first electrical property and the second electrical property being substantially identical; wherein the first electrical component [Fig. 8, 45a] connects the first transmission line [Fig. 8, A LINE] to the printed circuit board, and the second electrical component [Fig. 8, 45b] connects the second transmission line [Fig. 8, B LINE] to the printed circuit board.

With respect to claim 15, Takeuchi teaches that the first electrical component and the second electrical component [Fig. 8, 45a and 45b] comprise thermistors, and the first electrical property and the second electrical property comprise a first resistance and a second resistance, respectively, at a predefined temperature [Col. 1, lines 41-43, lines 54-56, 66-67, Col. 2, line 1].

With respect to claim 19, Takeuchi teaches that the first data transmission line [Fig. 8, A LINE] and the second data transmission line [Fig. 8, B LINE] comprise telephone lines [Col. 1, lines 23-26, 28-32].

With respect to claim 20, Takeuchi teaches that circuitry further comprising the printed circuit board, the assembly [Fig. 8, made up of two thermistors 45a and 45b] being mounted on the printed circuit board [Col. 2, lines 21-23] via mating connections on the assembly and the printed circuit board.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki et al., Patent No. 6,188,307, in view of Smith et al., Patent No. 292,089. Katsuki teaches a housing but does not disclose that the housing has an upper side with a shape that is indicative of an orientation of the housing. Smith teaches a protecting housing for telecommunication equipment.

With respect to claim 5, the housing has an upper side [Fig. 6, Description, line 8] with a shape that is indicative of an orientation of the housing.

Both teachings are analogous protection housings for telecommunication equipment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Smith, which teaches a housing that has upper side, with the overcurrent-protection thermistor apparatus of Katsuki, for the widely known benefit of protecting sensitive telecommunications equipment from damage due to dust, moisture, and protection against mechanical intrusions; as well as to protect users from any possible shock hazard from exposed circuits.

With respect to claim 6, Smith teaches that the upper side [Fig. 6] of the housing is rectangular in shape.

With respect to claim 8, Smith teaches that the upper side [Fig. 6] of the housing is closed.

With respect to claim 14, Smith teaches that the upper side [Fig. 6] of the housing comprises a planar section. Applicant's acknowledged prior art teaches that it is well known to use an automated component insertion machine to separately connect two matched thermistors to the respective telephone lines of a telephone connection on a printed circuit board [Page 2, lines 12-14].

5. Claims 7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al., Patent No. 5,867,083, in view of Katsuki et al., Patent No. 6,188,307. Takeuchi does not disclose that the first electrical

property and the second electrical property comprise a first resistance and a second resistance at 25 degree Celsius. Katsuki teaches an overcurrent-protection thermistor apparatus for protecting communications equipment. With respect to claim 16, Katsuki teaches the first electrical component [Fig. 5, 25] and the second electrical component [Fig. 5, 26] comprise thermistors having a first electrical property and a second electrical property comprise a first resistance and a second resistance, respectively, at a predefined temperature of 25 degree Celsius [Col. 6, lines 32-35].

Both teachings are analogous protective devices for surge current protection of associated equipment in communications systems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katsuki, which teaches thermistors having resistances at a predefined temperature of 25 degree Celsius, with the protective device of Takeuchi because if the temperature is not 25 degree C, the measurement data may not be accurate due to a change in the ambient temperature at each measurement or a minute change due to aging of the resistance measuring instrument, thereby the difference in resistance between the two combined thermistor devices become large. In worst case, resistance matching between the transmission and receiving circuit lines cannot be maintained.

With respect to claim 17, Katsuki teaches that the first resistance and the second resistance deviate by no more than 1 ohm [Abstract, lines 6-8, Col. 1, lines 22-24].

With respect to claim 18, Katsuki teaches that the assembly further comprises a housing [Fig. 1, 1] that holds the first electrical component [Fig. 1, 5] and the second electrical component [Fig. 1, 6], the housing comprising a partition [Fig. 1, 15] made of a material that is substantially electrically insulating [Col. 4, line 2], the partition [Fig. 1, 15] being between the first and second electrical components [Fig. 1, 5 and 6].

With respect to claim 7, Katsuki teaches that the housing [Fig. 1, 1] has an underside, the first and second terminals [Fig. 1, 10, 11, 12, 13] being on the underside of the housing. Takeuchi teaches that the first and second terminals [Fig. 8, A LINE and B LINE] have an arrangement that corresponds to an arrangement of contacts on a printed circuit board [Col. 2, lines 21-23].

Conclusion

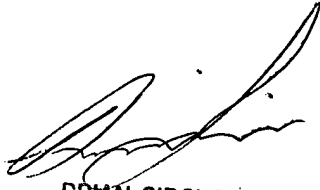
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dharti H. Patel whose telephone number is 571-272-8659. The examiner can normally be reached on 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800, Ext. 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DHP
04/12/2006



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